

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

Measure Heard HB 3304 (PAW)

SENATE COMMITTEE ON THE JUDICIARY

June 29, 1991Hearing Room C 4:05 p.m.Tapes 248

MEMBERS PRESENT:SEN. JOYCE COHEN, CHAIR SEN. PETER BROCKMAN SEN. JIM BUNN SEN. JEANNETTE HAMBY SEN. BOB SHOEMAKER SEN. DICK SPRINGER

MEMBER EXCUSED: SEN. JIM HILL, VICE CHAIR

STAFF PRESENT: BILL TAYLOR, COMMITTEE COUNSEL MARK THORBURN, COMMITTEE ASSISTANT

WITNESSES: DAVID FIDANQUE, ACLU OF OREGON FRANK BRAWNER, OREGON BANKERS ASSOCIATION

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TAPE 246, SIDE A

003 CHAIR COHEN: Calls meeting to order at 4:05 p.m.

- Comments on what's expected during the hearing. Expects Sen. Bunn to propose amendments (Exhibit A) that will incorporate SB 859 into the bill.

HB 3304

027 DAVID FIDANQUE, ACLU OF OREGON: Opposes the B-engrossed version of the bill and the anticipated amendments.

- Bill, as currently written, runs into Brown v. Multnomah County; explains why it does.

- Amendments violate the Oregon Bill of Rights; cites example.

109 SEN. BUNN: Applying the same principle in hunting violations, if someone has a hunting rifle whose value exceeds the citation for poaching a deer, is it unconstitutional to take the rifle?

113 FIDANQUE: Yes and we have raised that argument.

117 SEN. BUNN: If the purpose is to remove the tool used in the crime rather than to punish, is that factor in your view?

120 FIDANQUE: Believes the state could set up a system of impounding vehicles for differing amounts of time based on, for example, the number of prior convictions. In those circumstances given proper due process protections for innocent owners, I think that could be done. This bill does not do this; describes what he sees down the road.

150 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Has problems with subsection 8, page 3, of SB 859; explains the problem.

163 BILL TAYLOR, COMMITTEE COUNSEL: On the B9 amendments (Exhibit A), that's page 4 starting at line 19.

167 BRAUNER: Continues explaining problem. Will suggest in conference committee an amendment; describes the amendment.

192 SEN. BUNN: We did amend the bill before it passed us so it would require notice to any security interest holder, but if someone made a loan, they would have to check the record to see what was on it because, if it was a new loan, they wouldn't have that notice.

197 BRAUNER: And that is my concern; explains.

206 SEN. BUNN: Do we have anyone else to testify?

207 CHAIR COHEN: No.

209 SEN. BROCKMAN: Sees Mr. Brauner's problem.

- Happy to send the bill out if it is going to conference committee.

220 SEN. BUNN: Am not convinced that there will not be victims in the bill. If we can identify ways to decrease that without gutting the bill, would be more than happy to consider those in conference committee. It's a tradeoff between the number of people who are going to be killed on the highway, and the reduction in that, versus the difficulty of some people-identifying in time.

228 SEN. SHOEMAKER: There is a risk that the House will concur with this version and, thus, no possibility of a conference committee.

232 SEN. BUNN: That is a possibility, but with no one that I know of advocating a vote to concur, I think it is extremely unlikely.

240 SEN. SHOEMAKER: But it's also true that the bill is already there in this form already.

241 SEN. BUNN: Correct; SB 859 B-engrossed is there, but there's been no action.

247 SEN. SHOEMAKER: Not completely comfortable, but on the balance, am in favor of it.

252 MOTION: Sen. Bunn moves the B9 amendments.

257 CHAIR COHEN: Rephrases the motion; asks for further discussion.

269 SEN. SHOEMAKER: If there's anything we can do about the ACLU problems, I'd like that also.

272 SEN. BUNN: We won't be able to successfully resolve that this session.

274 CHAIR COHEN: Comments on past attempts to implement the policy in the bill and the amendments.

306 VOTE: Motion passes by 4 aye votes to 2 no votes with Sen. Springer and Chair Cohen voting no and Sen. Hill excused.

313 CHAIR COHEN: Adjourns meeting and then immediately calls it back to order.

316 MOTION: Sen. Bunn moves SB 3304 as amended to the floor with a "do pass" recommendation.

323 VOTE: Motion passes by 4 aye votes to 2 no votes with Sen. Springer and Chair Cohen voting no and Sen. Hill excused.

328 CHAIR COHEN: Adjourns meeting at 4:30 p.m.

Submitted by:

Reviewed by:

Mark Thorburn
Committee Counsel

Bill Taylor Committee Assistant

EXHIBIT LOG:

A - Amendments to HB 3304 - Sen. Bunn - 7 pages